EXPLANATION OF

42

فروع الفقه

Ibn al-Mibrad

Shaykh Ahmad Musā Jibrīl

May Allāh (سبحانه وتعالى) ease the affairs of the Shaykh, preserve him, love him, and safeguard him from all harm. May He (سبحانه وتعالى) keep him sincere, and continue to shower his life and Da'wah with His blessings, and allow the Muslims to benefit from his da'wah until the Day of Judgement. May Allāh make all his efforts weigh heavy on his scales, and make it an immense Sadaqah Jāriyah for him, his parents, and his family. May Allāh facilitate the completion of this Sharh and shower him with His aid always and forever.

SH_AHMAD_JIBRIL

SH_AHMAD_JIBRIL

T.ME/AHMAD_MUSA_JIBRIL

SHAYKH AHMAD MUSĀ JIBRĪL

SHAYKH AHMAD MUSĀ JIBRĪL

بسم الله الرحمن الرحيم

الحمد لله رب العالمين، والصلاة والسلام على أشرف الأنبياء والمرسلين، سيدنا ونبينا محمد،

وعلى آله وصحبه أجمعين، اما بعد:

IMPORTANT REMINDER FOR STUDENTS OF ILM

Something I mentioned before but I want to reiterate so that anyone new can better understand the style and approach of these classes is that, we are using a Hanbalī Matn. The booklet is often taught in a summarized manner according to the Hanbalī Madhab.

However, we are using it not because it is a Hanbalī Matn, but we are using it as a structured outline for teaching Fiqh across all four Madhāhib. We are not restricting ourselves to teaching the Hanbalī Madhab even though the text itself is a Hanbalī Matn. We could just as easily take a short Matn from the Shafi'ī Madhab, and we could teach it the same way.

The text is simply a Matn (framework/outline) for discussing the positions of the four Madhāhib on each Fiqh issue. We go through the issues in detail and we include evidences from the Qur'an and Sunnah and Ijmā', with the explanations and rationales and back and forth of the Ulamā. We do this so that students are attached to the proofs and then toward the understanding of the Ulamā of the past, not towards us.

This class is for serious students of Ilm. It is intensive but anyone who puts their mind to it will understand it إن شاء الله.

However, it is not something a person can simply listen to once and assume they have understood it completely. You need to listen carefully and review it and maybe review it over and over. And as we mentioned, to truly benefit, you have to write it. I

also mentioned before that I studied Fiqh under many Ulamā in different ways. My goal is to present the material in a way I would have loved to receive it when I first started as a student. It would have saved me a great deal of time and effort.

Also, we don't gain worldly benefit from this class or any other class that we teach. If anything, it may even bring criticism or slander. We just ask Allah سبحانه وتعالى to make it and keep it sincere, and to grant me and my parents the reward for attempting to spread his Dīn (Ameen).

So, whether anyone attends or listens or doesn't, it is not something that affects us. We really want the Khair for everyone because we wish for them to learn.

Let's assume no one attends virtually or in person. (It will not affect us because,) This is to benefit me before anyone else. Even if no one attends or listens I will continue. The only difference is that I will continue in writing. I will write it down as notes instead of delivering it as a class.

SOME ULAMĀ COMPILED NOTES FOR PERSONAL REFERENCES FOR THEMSELVES.

Some classical works of Fiqh that were originally written by Ulamā were written for their own personal use. Some Ulamā compiled notes to make it easier for themselves to refer back to when they needed.

For example, if they needed to go back to a Fiqh issue they have their notes and they use it for the purpose that they need it for. Those notes that they wrote for themselves later became renowned references in Fiqh. Some of them-not all of them of course.

BIDĀYATUL MUJTAHID BY IBN RUSHD

One of them for example is Bidāyatul Mujtahid by Ibn Rushd رحمه الله تعالى. Our Shuyūkh told us that it was written as a personal reference by Ibn Rushd for himself. He wrote it like a notebook to organize and compare the opinions of the various schools of thought so that it will assist him in his personal Ijtihād and when he needs to issue a Fatwā. Then, by the will of Allah, it became one of the most widely recognized references in Comparative Fiqh. And since I mentioned this book, I mentioned it to show that he started the book as notes for himself. But it became a recognized reference in Comparative Fiqh. But something else that I remember is that the book is an excellent reference in the style of Fiqh that we teach.

Bidāyatul Mujtahid is one of the renowned works of Comparative Fiqh. The book covers the various chapters of Fiqh in a comparative manner. The author Ibn Rushd رحمه الله تعالى was a Mālikī Faqīh. But the book is not merely a Mālikī book of Fiqh or a book that is exclusive on the Madhab of Imām Mālik. It is a reference for students of knowledge in Comparative Fiqh and Ijtihād. He has approximately 3400 Masāil in that book and he presents the opinions of the Ulamā (for the most part) in a comparative format along with their evidences. And something unique about that book is that he explains the reasons behind the Ulamā disagreeing, and many times he mentions the principles that led the Ulamā to disagree.

RECAP

Now let's take a summarized view of our past classes. The last two main points we covered in our outline in Furū'ul Fiqh were;

I. First of all; The causes of Wudū.

II. Then we when we completed that, we moved on to the causes of Ghusl.

The author mentioned six causes of Ghusl. He said;

وَفِي الطَّهَارَةِ الْكُبْرَىٰ سِتَّةٌ

*There are six causes for Ghusl (*According to the author).

1. The first one is;

الْمَنِيُّ الدَّافِقُ بِلَذَّةٍ

The ejaculation of sperm with lust and desire.

2. The second one is;

وَالْتِقَاءُ الْخِتَانَيْنِ

The joining of the two private parts (refers to sexual intercourse).

3. The third one is;

وَإِسْلَام الْكَافِرِ

When a kafir becomes Muslim.

4. The fourth one is;

وَالْحَيْضُ

Menstruation.

5. The fifth one is

وَالنِّفَاسُ

The bleeding after childbirth.

6. The sixth one and final one the author mentioned was;

وَالْمَوْتُ

Death.

What he means here by death is washing the deceased.

The author stopped right here. But we are teaching this through the lens of the various Madhāhib and other Ulamā mentioned other causes of Ghusl beyond what is included in this outline. So even though the outline stops here, we added more causes of Ghusl from what other Fuqahā mentioned. The seventh one is what other Madhāhib mentioned. And we added that here because other Fuqahā mentioned it.

7. The seventh one is;

الْغُسُلُ مِنْ تَغْسِيلِ الْمَيِّتِ

Ghusl from washing the deceased or *Ghusl after washing the deceased.*

The summary on that is what Abdullāh ibn Mubārak mentioned, that there is neither Ghusl nor Wudū' that is required after washing a dead person.

8. The eighth one is;

الغُسْلُ مِنَ الْحِجَامَة

Ghusl after Hijāmah.

We mentioned that the Messenger ﷺ had performed Hijāmah and had Hijāmah done on him. We don't have any authentic report that he did Ghusl because of it. Had Hijāmah been a cause for Ghusl or had it been a Sunnah, the Messenger ﷺ

would have done it so that we can learn that from him. And had he done it, the Sahābah رضي الله عنهم أجمعين would have transmitted that to us and it would have reached us.

THE NINTH CAUSE OF GHUSL: (غُسْلُ الْجُمُعَةِ) TAKING A GHUSL ON THE DAY OF FRIDAY.

9. The ninth one is where we stopped;

غُسْلُ الْجُمُعَةِ

Taking a Ghusl on the day of Friday.

Is that Wājib or not? Is it Sunnah or is it Wājib? Or are there stipulations?

THE FIRST OPINION: IT IS WĀJIB.

The first opinion is that Ghusl is Wājib. One must perform Ghusl on Friday. Ibn al-Mundir attributed that opinion to Abu Hurairah رضي الله عنه. Al-Khattabi attributed that opinion to al-Hasan al-Basrī رحمه الله تعالى. And from the Fuqahā, it is one of the opinions of Imām Ahmad or the Hanbali Madhab. And it is one of the positions of the Mālikīyyah, and it is also the opinion of the Dhāhiriyyah. And al-Shawkani adopted this opinion.

FIRST PROOF

Their first proof is the Hadīth in Sahīh al-Bukhārī;

إِذَا جَاءَ أَحَدُكُمْ الْجُمُعَة فَلْيَغْتَسِلْ

When any one of you attends Friday, let him perform Ghusl.

They said that this statement appears to be a direct command to perform Ghusl on Friday. Also they said, فَلْيَغْتَسِلْ is an order and he should do Ghusl on Friday.

They said the basic rule, that is known (and we talked about it), is that a command indicates obligation.

SECOND PROOF

The second proof is a Hadīth of Abu Huraira رضي الله عنه in Sahīh al-Bukhārī;

حَقٌّ عَلَى كُلِّ مُسْلِمٍ أَنْ يَغْتَسِلَ فِي كُلِّ سَبْعَةِ أَيَّامٍ

It is obligatory for every Muslim that he should take a bath once every seven days.

(حَقٌّ) here may translate into the term obligatory. Meaning; it is obligatory for every Muslim that he should take a bath once every seven days. (حق) means right, and it can carry the meaning of obligation. This narration says that one should take a bath once every seven days. They said, (حَقٌّ), that term appears to indicate that it is an obligation.

Here it doesn't mention the day but says one day out of the seven days. But in other narrations, like in Sunan al-Nasa'i, the Hadīth specifies that that day is Friday. That is the second proof.

THIRD PROOF

The third proof is also in Sahīh Muslim; Hadīth Abu Sa'id al-Khudri رضي الله عنه;

أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: الْغُسْلُ يَوْمَ الْجُمُعَةِ وَاجِبٌ عَلَى كُلِّ مُحْتَلِمٍ

Rasulullah ﷺ said, Ghusl on Friday is obligatory on everyone who has reached puberty.

If someone is above the age of puberty, they have to perform Ghusl on Friday. It is very clear in its wording and how they use it.

FOURTH PROOF

The fourth proof is a proof that is used by other opinions as well, as we'll see إن شاء الله. It is in Sahīh al-Bukhārī and al-Muslim.

It is a story where Umar رضي الله عنه was standing, delivering the Khutbah on Friday. And one of the Sahābah from the Muhājirīn entered late. Some narrations simply say a man from the Muhājirīn. Other narrations specifically identify that man as being Uthmān ibn Affān رضي الله عنه. When Uthmān رضي الله عنه entered late, Umar رضي الله عنه objected to him coming late to Jum'ah while Umar رضي الله عنه was delivering the Khutbah.

[Side benefit (that has nothing to do with this Fiqh Mas'alah) is that; we know that speaking to one another on Jum'ah is prohibited. Some Ulamā even related an Ijmā' on that. But in this story, Uthmān رضي الله عنه and Umar رضي الله عنه were speaking to each other during the Khutbah. And this is among the proofs that the Khatīb during the Friday Khutbah may speak to the congregation if there is a need or a benefit. And the congregation or one of them may respond back or speak to the

Khatīb if there is a need or a benefit. The Hurmah (prohibition) of speech applies to the congregation speaking to one another.]

So Umar رضي الله عنه objected to Uthmān رضي الله عنه coming in late as he was delivering the Khutbah. Uthmān رضي الله عنه said: *I was busy and I only performed Wudū.* And then Umar رضي الله عنه said; *In Wudū as well?* Meaning; You also did Wudū only? He said; *You know that the Messenger ﷺ used to command us to perform Ghusl on Friday.*

The Ulamā who held the view that Ghusl is Wājib on the day of Jum'ah used this as evidence. (Other opinions used it as well as we'll see إن شاء الله.) Here, they said Umar openly objected to Uthmān رضي الله عنه performing only Wudū alone. He رضي الله عنه objected and did Inkār of Munkar (what he believed to be a Munkar) despite the high status of Uthmān رضي الله عنه. Umar رضي الله عنه objected publicly in front of everyone and he did so during the sacred time of the Khutbah. And on top of all of that, none of the Sahābah objected to Umar's criticism. They said all that indicates that Ghusl is Wājib on Fridays.

THE SECOND OPINION: IT IS ONLY WĀJIB ONLY IF THERE IS SWEAT OR A BAD ODOR.

The second opinion is that Ghusl is only required if one has an odor or he sweats to the point that it would harm others if he attended the Jum'ah. This is another view of the Hanābilah. This is the opinion that Ibn Taymiyyah رحمه الله تعالى chose.

PROOF

Their proof is Hadīth Āishā رضي الله عنها in Sahīh al-Bukhārī and Muslim

Āishā رحمه الله تعالى said; "The people used to come from the outskirts of Medina, and they used to pass through dust, and they would be drenched with sweat, so they would get covered with dust." Āishā رحمه الله تعالى said; "One of them came to the Messenger ﷺ to see him and the Messenger ﷺ was in my house. And The Prophet ﷺ said to him:

لَوْ أَنَّكُمْ تَطَهَّرْتُمْ لِيَوْمِكُمْ هَذَا

I wish that you keep yourself clean on this day (by Ghusl).

لَوْ أَنَّكُمْ تَطَهَّرْتُمْ

Means; *if you purify yourself / if you keep yourself clean* on this day.

There is another narration that says:

لَوِ اغْتَسَلْتُمْ

Had you made Ghusl for this day, meaning Friday.

Those who adopted this opinion said that Āishā رضي الله عنهما mentioned the reason for the Ghusl. The reason for Ghusl was sweat and odor. So if someone has a bad odor, then Ghusl is Wājib because Āishā رضي الله عنهما specified the reason. They said that this is a requirement for Ghusl just like Najāsah is a requirement for Ghusl, but if there is no cause, then Ghusl is not obligatory. Meaning if there is no odor nor sweat, then there is no cause and the Ghusl is not Wājib.

They said, just like with Najāsah, if someone is under the major impurity, he has to perform Ghusl and if he is pure, he doesn't have to perform Ghusl. They said, in the same way over here, since Āishā رضي الله عنهما mentioned the reason, then we know that the reason for Ghusl on Friday is a person having a sweat or bad odor. Other than that, Ghusl is not Wājib.

The first opinion is that Ghusl is Wājib. The second opinion is that Ghusl is Wājib only if there is sweat or a bad odor or something of that nature.

وصلى الله على سيدنا محمد وعلى آله وصحبه وسلم

CONTENTS

IMPORTANT REMINDER FOR STUDENTS OF ILM 3

SOME ULAMĀ COMPILED NOTES FOR PERSONAL REFERENCES FOR THEMSELVES. 4

BIDĀYATUL MUJTAHID BY IBN RUSHD 5

RECAP 5

THE NINTH CAUSE OF GHUSL: (غُسْلُ الجُمُعَةِ) TAKING A GHUSL ON THE DAY OF FRIDAY. 8

THE FIRST OPINION: IT IS WĀJIB. 8

FIRST PROOF 9

SECOND PROOF 9

THIRD PROOF 10

FOURTH PROOF 10

THE SECOND OPINION: IT IS ONLY WĀJIB ONLY IF THERE IS SWEAT OR A BAD ODOR. 11

PROOF 12